

Remarks

This Amendment After Final is in response to the Final Office Action dated **November 30, 2009**. Claims 17, 19-29 and 36-39 are pending in this application. The Office Action rejected claims 21-26 and 36-38 under 35 USC § 103 over Pacetti (US 2005/0074544) in view of Shibata (JP 11-111423); rejected claims 17 and 20 under 35 USC § 103 over Pacetti in view of Shibata and further in view of Pacetti '874 (US 7175874); rejected claim 19 under 35 USC § 103 over Pacetti in view of Shibata, Pacetti '874 and further in view of Layrolle (US 2001/0008649); rejected claims 27-29 under 35 USC § 103 over Pacetti in view of Shibata and further in view of Kirk Othmer; and rejected claim 39 under 35 USC § 103 over Pacetti in view of Shibata and further in view of Pomper (US 2842092).

The rejections are traversed at least due to an incomplete record. Reconsideration in view of the following remarks is requested.

Claim Rejections

The Office Action rejects the pending claims over a primary combination of Pacetti in view of Shibata. Shibata is a Japanese reference that does not appear to have a US or other English language equivalent. An English abstract of Shibata has been provided by the Examiner, but not a translation of the actual reference. Therefore, on the basis of the current record, the Shibata reference itself cannot be relied upon – only teachings from the English Abstract. See MPEP § 706.02(II).

The rejections rely upon teachings from Shibata that go beyond the scope of the English Abstract. See e.g. Office Action at page 2, discussing “blades (500/100) for removal of excess coating material.” The English abstract does not mention “blades” or reference characters 500 or 100. Therefore, the current rejections rely upon teachings that are not in the current record, and the applied references do not disclose or suggest a “doctor blade in proximity to the first roller surface positioned to remove excess coating material from the first roller surface” as recited in independent claim 22.

An obviousness rejection requires a suggestion of all limitations in a claim. See *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003).

Based upon the current record and lack of an English translation of subject matter

relied upon by the Examiner, Applicants request withdrawal of the rejections asserted in the Final Office Action.

Request for Withdrawal of Finality of Office Action

The current Office Action was made final even though a translation of Shibata, as requested by Applicants, has not been provided. Thus, prosecution on the merits has been closed before Applicants were given a reasonable opportunity to evaluate the actual teachings of Shibata.

Based on the incomplete record, the finality of the current Office Action is premature. Applicants request withdrawal of the finality of the Office Action and the opportunity to amend claims, if necessary, after the actual teachings of Shibata have been evaluated.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 17, 19-29 and 36-39 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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